

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 e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NASDAQ-2009-070 on the subject line.

*Paper Comments*

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

All submissions should refer to File Number SR-NASDAQ-2009-070. This file number should be included on the subject line if e-mail 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 inspection and copying in the Commission's Public Reference Room on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of Nasdaq. 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-2009-070 and should be submitted on or before August 20, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>16</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-18164 Filed 7-29-09; 8:45 am]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-60367; File No. SR-FINRA-2009-038]

### Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Granting Approval of Proposed Rule Change to Repeal Incorporated NYSE Rule 134 (Differences and Omissions—Cleared Transactions) and NYSE Rule 440I (Records of Compensation Arrangements—Floor Brokerage) as Part of the Process To Develop the Consolidated FINRA Rulebook

July 22, 2009.

On June 1, 2009, Financial Industry Regulatory Authority, Inc. ("FINRA") (f/k/a National Association of Securities Dealers, Inc. ("NASD")) filed with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change 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> Notice of the proposal was published for comment in the **Federal Register** on June 15, 2009.<sup>3</sup> The Commission received no comments on the proposed rule change. This order approves the proposed rule change.

#### I. Description of the Proposal

As part of the process of developing a new consolidated rulebook ("Consolidated FINRA Rulebook"),<sup>4</sup> FINRA proposed not to transfer from the Transitional Rulebook to the FINRA Consolidated Rulebook two rules that are specific to the New York Stock Exchange LLC ("NYSE") marketplace and relate primarily to activities by floor brokers. Specifically, FINRA proposed not to include in the Consolidated FINRA Rulebook NYSE Incorporated Rule 134 (Differences and Omissions—Cleared Transactions) and NYSE Incorporated Rule 440I (Records of

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Release No. 60070 (June 8, 2009), 74 FR 28302 ("Notice").

<sup>4</sup> The current FINRA rulebook consists of (1) FINRA Rules; (2) NASD Rules; and (3) rules incorporated from NYSE ("Incorporated NYSE Rules") (together, the NASD Rules and Incorporated NYSE Rules are referred to as the "Transitional Rulebook"). While the NASD Rules generally apply to all FINRA members, the Incorporated NYSE Rules apply only to those members of FINRA that are also members of the NYSE ("Dual Members"). The FINRA Rules apply to all FINRA members, unless such rules have a more limited application by their terms. For more information about the rulebook consolidation process, see FINRA Information Notice, March 12, 2008 (Rulebook Consolidation Process).

Compensation Arrangements—Floor Brokerage).

As more fully described in the Notice, Incorporated NYSE Rule 134, sets forth procedures for clearing member firms to identify uncompleted transactions and resolve them by making any necessary additions, deletions or changes to their data through the facilities of the NYSE Correction System. Further, NYSE Rule 134(d) requires floor brokers to maintain or participate in an error account in which all *bona fide* error transactions are processed and recorded.

Incorporated NYSE Rule 440I also applies to floor brokers. As more fully described in the Notice, NYSE Rule 440I requires each member and member organization that is "primarily engaged as an agent in executing transactions on the Floor of the Exchange" to maintain certain records of compensation arrangements in excess of \$5,000 per year.

In the Notice, FINRA noted that the NYSE may choose to retain NYSE Rule 134 and Rule 440I for its own purposes. In addition, FINRA stated that it would announce the implementation date of the proposed rule change in a *Regulatory Notice* to be published no later than 90 days following Commission approval.

#### II. Discussion and Commission's Findings

After careful review of the proposal, the Commission finds that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,<sup>5</sup> which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.<sup>6</sup> The Commission notes that Dual Members remain subject to both the Consolidated FINRA Rulebook and the NYSE Rulebook. Therefore, FINRA's proposal to repeal from the Transitional Rulebook two Incorporated NYSE Rules that are specific to the NYSE marketplace does not relieve Dual Members of their obligation to comply with rules retained by the NYSE.

#### III. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>7</sup> that the proposed rule change (SR-FINRA-

<sup>5</sup> 15 U.S.C. 78o-3(b)(6).

<sup>6</sup> In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. See 15 U.S.C. 78c(f).

<sup>7</sup> 15 U.S.C. 78s(b)(2).

<sup>16</sup> 17 CFR 200.30-3(a)(12).

2009-038) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>8</sup>

**Florence E. Harmon,**  
*Deputy Secretary.*

[FR Doc. E9-18163 Filed 7-29-09; 8:45 am]

**BILLING CODE 8010-01-P**

## DEPARTMENT OF STATE

[Public Notice 6714]

### Determination Pursuant to Section 451 of the Foreign Assistance Act Relating to the Guatemala and Dominican Republic Helicopter Programs

Pursuant to section 451 of the Foreign Assistance Act of 1961, as amended (the "Act"), section 1-100 of Executive Order 12163, as amended, and Delegation of Authority 245-1, I hereby authorize, notwithstanding any other provision of law, the use of up to \$20,000,000 in FY 2008 funds appropriated for counternarcotics activities in the Andean region of South America under chapter 8 of part I of the Act, in order to provide assistance authorized by part I of the Act for the countries of Guatemala and the Dominican Republic.

This Determination shall be reported to the Congress promptly and published in the **Federal Register**.

Dated: July 15, 2009.

**Jacob L. Lew,**

*Deputy Secretary of State, Department of State.*

[FR Doc. E9-18224 Filed 7-29-09; 8:45 am]

**BILLING CODE 4710-17-P**

## DEPARTMENT OF STATE

[Public Notice 6665]

### U.S. Department of State Advisory Committee on Private International Law: Public Meeting on Revision of UNCITRAL Arbitration Rules

A Working Group of the United Nations Commission on International Trade Law (UNCITRAL) has for some time been considering revisions to the 1976 UNCITRAL Arbitration Rules, which are widely used internationally. The next meeting of the Working Group is scheduled for September 14-18, and it is possible that the Working Group may conclude its work at that session. Accordingly, prior to that session a public meeting will be held, under the auspices of the Advisory Committee on

Private International Law, to provide an update on the status of the Working Group discussions.

**Time and Place:** The public meeting will take place in Room 240, South Building, 2430 E Street, NW., Washington, DC on September 9, 2009. Visitors should appear at the gate at the southwest corner of 23rd and C Streets by 12:45 p.m. EDT. The meeting will begin at 1 p.m. and is expected to last no later than 4 p.m. If you are unable to attend the public meeting and would like to participate from a remote location, teleconferencing will be available.

**Public Participation:** It is requested that persons wishing to attend contact Trisha Smeltzer prior to September 2, 2009, at [smeltzertk@state.gov](mailto:smeltzertk@state.gov) or 202-776-8423 and provide their name, and date of birth for pre-clearance purposes, as well as e-mail address and affiliation. Members of the public who are not pre-cleared might encounter delays with security procedures. A member of the public requesting reasonable accommodation should make his or her request upon registering for the meeting. Such requests received after September 7th will be considered, but might not be possible to fulfill. Please contact Ms. Smeltzer for additional meeting information, including teleconferencing dial-in details.

Dated: July 24, 2009.

**Keith Loken,**

*Assistant Legal Adviser, Office of Private International Law, Office of the Legal Adviser, Department of State.*

[FR Doc. E9-18232 Filed 7-29-09; 8:45 am]

**BILLING CODE 7410-08-P**

## DEPARTMENT OF STATE

[Public Notice 6713]

### Bureau of Oceans and International Environmental and Scientific Affairs; Preparation of Fifth U.S. Climate Action Report

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** The United States is a Party to the United Nations Framework Convention on Climate Change (UNFCCC). The Convention sets forth requirements for UNFCCC Parties to provide a national communication that lists the steps they are taking to implement the Convention. In particular, Parties are to provide: An inventory of anthropogenic emissions by sources and removal by sinks of all greenhouse gases not controlled by the Montreal Protocol; a detailed

description of the policies and measures adopted to implement their commitments under the Convention; and estimates of the effects those policies and measures will have on emissions and sinks. Subsequent guidelines further elaborate the information that Parties are to submit periodically. The United States submitted the first U.S. Climate Action Report (USCAR) to the UNFCCC Secretariat in 1994, the second in 1997, the third in 2002, and the fourth in 2007. The U.S. Government is currently preparing its fifth national communication, which is due to the UNFCCC secretariat on January 1, 2010. The purpose of this announcement is to notify interested members of the public of this process and to solicit contributions and input on the issues covered in the national communication for the purpose of preparing the report. The State Department intends to make available for public review a draft national communication in fall of 2009.

**DATES:** Written comments should be received on or before noon, thirty (30) days from the date of publication of this notice.

**ADDRESSES:** To expedite their receipt, comments should be submitted via e-mail to: [car5@state.gov](mailto:car5@state.gov). Comments may also be submitted in hard copy to, U.S. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs, Office of Global Change (Room 2480), 2201 C Street, NW., Washington, DC 20520.

**FOR FURTHER INFORMATION CONTACT:**

Maurice N. LeFranc, Jr., U.S. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs, Office of Global Change at (202) 647-6738.

**SUPPLEMENTARY INFORMATION:**

**The Fifth United States Climate Action Report (CAR5)**

Articles 4.2 and 12 of the UNFCCC set forth initial requirements for national communications. Subsequently, Parties to the UNFCCC elaborated additional detailed guidelines relating to the content of the national communications. An overview of the reporting requirements is available from the UNFCCC Web site at: <http://unfccc.int/resource/docs/cop5/07.pdf>. Guidelines specify chapter headings and the type of information that should be included in the report. Chapters are identified below.

**Table of Contents**

- I. Executive Summary
- II. National Circumstances
- III. Greenhouse Gas Inventory
- IV. Policies and Measures

<sup>8</sup> 17 CFR 200.30-3(a)(12).