

testing exception"). The Financial Crimes Enforcement Network ("FinCEN"), which is responsible for administering the BSA and its implementing regulations, has stated that the independent testing provision of the BSA precludes AML program testing by personnel with an interest in the outcome of the testing and that an independent testing exception, such as the one in NASD IM-3011-1, is inconsistent with this BSA provision and FinCEN's interpretive guidance on the BSA's independent testing requirement.<sup>7</sup> Accordingly, consistent with FinCEN's guidance, FINRA is proposing to eliminate the independent testing exception in connection with its adoption of proposed FINRA Rule 3310.

Finally, as stated previously, the proposed rule change would delete Incorporated NYSE Rule 445 and its related supplementary material in their entirety as duplicative. FINRA will announce the implementation date of the proposed rule change in a *Regulatory Notice* to be published no later than 90 days following Commission approval.

## 2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,<sup>8</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. FINRA believes that the proposed rule change would continue to assist members in identifying and preventing money laundering abuses that can affect the integrity of the U.S. capital markets.

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

FINRA 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.

### *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 35 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 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 e-mail to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-FINRA-2009-039 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-2009-039. 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, 100 F Street, NE., Washington, DC 20549, 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 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 insert SR-FINRA-2009-039 and should be submitted on or before July 13, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>9</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-14531 Filed 6-19-09; 8:45 am]

**BILLING CODE 8010-01-P**

## **DEPARTMENT OF STATE**

### **[Public Notice 6635]**

### **Announcement of a Meeting of the International Telecommunication Advisory Committee**

*Summary:* This notice announces a meeting of the International Telecommunication Advisory Committee (ITAC) to prepare for the International Telecommunication Union (ITU) Regional Preparatory Meeting for the World Telecommunication Development Conference.

The ITAC will meet to begin preparation of advice for the U.S. government for the ITU Regional Preparatory Meeting for the World Telecommunication Development Conference, which will be held from August 13-25, 2009 in Lima, Peru. There will also be reports on recent developments in the ITU, OECD, and CITE.

The ITAC will meet on July 7, 2009 at 1120 20th Street, NW., 10th floor, Washington, DC 20036. This meeting is open to the public as seating capacity allows. The public will have an opportunity to provide comments at this meeting. Those desiring further information on these meeting may contact the Secretariat at [jillsonad@state.gov](mailto:jillsonad@state.gov) or at 202-647-7847.

<sup>7</sup> See Letter from Jamal El-Hindi, Associate Director, Regulatory Policy & Programs Division, FinCEN, to Nancy M. Morris, Secretary, SEC (August 22, 2007). FinCEN submitted the letter to the SEC in response to the NYSE's "omnibus filing," a rule filing that sought to achieve greater harmonization between the NYSE and NASD rules, including the AML compliance program rules (SR-NYSE-2007-22). See Exchange Act Release No. 56142 (July 16, 2007), 72 FR 42195 (August 1, 2007).

<sup>8</sup> 15 U.S.C. 78o-3(b)(6).

<sup>9</sup> 17 CFR 200.30-3(a)(12).

Dated: June 15, 2009.

Cecily C. Holiday,

International Communications & Information  
Policy, Department of State.

[FR Doc. E9-14611 Filed 6-19-09; 8:45 am]

BILLING CODE 4710-07-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2009-0546]

#### Notice of Proposed Airport Access Restriction and Opportunity for Public Comment

**AGENCY:** Federal Aviation  
Administration (FAA), Department of  
Transportation (DOT).

**ACTION:** Notice; Request for comment.

**SUMMARY:** The Airport Noise and Capacity Act of 1990 (hereinafter referred to as "the Act" or "ANCA") provides notice, review, and approval requirements for airports seeking to impose noise or access restrictions on Stage 3 aircraft operations that become effective after October 1, 1990. 49 U.S.C. 47521 *et seq.*

The Federal Aviation Administration (FAA) announces that it has determined the application for an airport noise and access restriction submitted by the Burbank Glendale Pasadena Airport Authority (BGPAA) for Bob Hope Airport (BUR) under the provisions of 49 U.S.C. 47524 of the ANCA, and 14 CFR part 161, to be complete. The BGPAA application seeks approval to implement a mandatory nighttime curfew at Bob Hope Airport. While the determination of completeness is not an approval or disapproval of the proposed airport access restriction, the determination of completeness does trigger the start of FAA's 180-day review period. The FAA will approve or disapprove the proposed noise and access restriction on or before November 1, 2009.

**DATES:** *Effective Date:* The effective date of the start of FAA's review of the application for a mandatory noise and access restriction at BUR is May 5, 2009. The public comment period ends 30 days from date published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Victoria L. Catlett, Planning and Environmental Division, APP-400, 800 Independence Avenue, SW., Washington, DC 20591. *E-mail address:* [vicki.catlett@faa.gov](mailto:vicki.catlett@faa.gov). Telephone number 202-267-8770.

**ADDRESSES:** You may submit written comments, identified by docket number

FAA-2009-0546, by any of the following methods:

*Federal eRulemaking Portal:* Go to <http://regulations.gov> and follow the online instructions for sending your comments electronically.

*Mail:* Send comments by mail to Docket Operations, U.S. Department of Transportation, M-30, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001. Persons wishing to receive confirmation of receipt of their written submission should include a self-addressed stamped postcard.

*Hand Delivery:* Deliver comments to Docket Operations in Room W12-140 on the ground floor of the West Building at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Facsimile:* Fax comments to the docket operations personnel at 202-493-2251.

*Reviewing the docket:* To read background documents or comments received, go to <http://www.regulations.gov> at any time and follow the online instructions for accessing the docket; or go to Docket Operations in Room W12-140 on the ground floor of the West Building at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** On February 3, 2009, FAA received BGPAA's initial request for approval of a full, mandatory night-time curfew at Bob Hope Airport as described in the attached application. The application states "Pursuant to FAR Part 161.311(d) the Authority is seeking a full, mandatory night-time curfew as described in the attached application. The Authority is not seeking any other alternative restriction."

On March 5, 2009, FAA determined that the application was complete except for the environmental documentation provided in support of a categorical exclusion under the National Environmental Policy Act (NEPA). By letter dated March 9, 2009, BGPAA stated its intent to supplement and resubmit the application. On May 5, 2009, FAA received BGPAA's supplemented application. On May 29, 2009, FAA determined BGPAA's application to be complete. Pursuant to 14 CFR 161.313(c)(4)(ii), the FAA's 180-day review period starts on the date of receipt of the last supplement to the application (May 5, 2009).

Pursuant to 14 CFR 161.317, the FAA may approve or disapprove, in whole or

in part, the proposed restriction or any alternative restriction, submitted by the BGPAA for FAA approval or disapproval. This notice also announces the availability of the proposed airport access restriction for public review and comment directly to the FAA for 30 days from the date this notice is published in the **Federal Register**.

*FAA Action Under Part 161 Subpart D.* The FAA will review and render a decision on the restriction as a whole, including its impacts on aircraft operations that are not classified as Stage 3, at the time it issues its decision to approve or disapprove the application for a full nighttime curfew submitted under Subpart D of part 161. This review will include a determination on how the restriction proposal addresses other applicable Federal law and BUR's grant assurances.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 161, § 161.317. The FAA may only approve a restriction that demonstrates by substantial evidence supporting each of the six statutory conditions for approval, contained in the Act and published in 14 CFR part 161, section 161.305. These six statutory conditions of approval are: *Condition 1:* The restriction is reasonable, nonarbitrary, and nondiscriminatory; *Condition 2:* The restriction does not create an undue burden or interstate or foreign commerce; *Condition 3:* The proposed restriction maintains safe and efficient use of the navigable airspace; *Condition 4:* The proposed restriction does not conflict with any existing Federal statute or regulation; *Condition 5:* The applicant has provided adequate opportunity for public comment on the proposed restriction; and *Condition 6:* The proposed restriction does not create an undue burden on the national aviation system.

Interested persons are invited to comment directly to the FAA on the proposed restriction application. The Authority's application is available on the BGPAA Web site at: <http://www.burbankairport.com/>. Your comments should relate to the factors that Part 161 requires an airport sponsor to address in its application for restriction approval. All relevant comments received within the public comment period will be considered by the FAA to the extent practicable before FAA makes its final decision on the application.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.