

membership or association with the member notwithstanding a statutory disqualification. When the Exchange exercises this waiver authority, Rule 3.18.01 currently provides that the Exchange Department of Financial and Sales Practice Compliance shall determine whether the Exchange will concur in any the Exchange Act Rule 19h-1 filing made by another SRO. The Exchange proposed to make two clarifying changes to this provision. First, the Exchange proposed to replace the reference to the "Department of Financial and Sales Practice Compliance" with the "Exchange" because the Exchange no longer has a department by that name. Second, the Exchange proposed to include the words "member or" in the last sentence of Rule 3.18.01 to clarify that the Exchange may concur in any Exchange Act Rule 19h-1 filing made by another SRO with respect to a member or an associated person. This change is consistent with the rest of Rule 3.18.01.

III. Discussion

The Commission has carefully reviewed the proposed rule change and finds that it is generally consistent with Section 6(b)⁹ of the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.¹⁰ In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Exchange Act,¹¹ which requires the rules of a national securities exchange to, among other things, be designed to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investor and the public interest. The Commission believes that the proposed rule change will enable CBOE to more efficiently administer its statutory disqualification program while at the same time protecting investors and the public interest by allowing CBOE to reallocate resources that would otherwise be spent on unnecessary statutory disqualification hearings.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,¹² that the proposed rule change (SR-CBOE-2009-033) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹³

Florence E. Harmon,

Deputy Secretary.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Comments Concerning Free Trade Agreement With the Republic of Colombia

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: The United States Trade Representative (USTR) is conducting a review of labor-related issues in the context of the free trade agreement (FTA) between the United States and the Republic of Colombia (Colombia) signed on November 22, 2006, and amended on June 28, 2007. The FTA has not yet entered into effect. As part of that review, the interagency Trade Policy Staff Committee (TPSC) seeks comment from the public to assist the USTR in working with the Colombian government to secure continued progress in ensuring that Colombia's workers can fully exercise their fundamental labor rights.

DATES: Written comments are due by noon, September 15, 2009.

ADDRESSES: Comments should be submitted electronically via the Internet at <http://www.regulations.gov>. For alternatives to on-line submissions please contact Gloria Blue, Executive Secretary, Trade Policy Staff Committee, at (202) 395-3475.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning written comments, contact Gloria Blue, Executive Secretary, Trade Policy Staff Committee, at (202) 395-3475. All other questions should be directed to Bennett Harman, Deputy Assistant U.S. Trade Representative for Latin America, at (202) 395-9446.

SUPPLEMENTARY INFORMATION: On November 18, 2003, in accordance with section 2104(a)(1) of the Trade Act of 2002, the USTR notified Congress of the President's intent to enter into negotiations on an FTA with Colombia, identified specific objectives for the negotiations, and solicited comment from interested persons on matters relevant to the FTA. 69 FR 7532. On June 23, 2004, the U.S. Department of Labor with the USTR and U.S.

Department of State, issued a request for comments from the public regarding labor rights in Andean countries, including Colombia. 69 FR No. 120. On August 24, 2006, the President notified Congress of his intent to enter into an FTA with Colombia, and representatives of the two governments signed the FTA on November 22, 2006. On June 28, 2007, the Parties amended the FTA to reflect the provisions of the May 10, 2007 Congressional-Executive Agreement on Trade Policy. The full text of the FTA is available at <http://www.ustr.gov/trade-agreements/free-trade-agreements/colombia-fta/final-text>.

Issues have been raised about the extent to which Colombians are able to exercise their fundamental labor rights, as referenced in the FTA. In that light, the President has asked the USTR to assess what steps can be taken, along with the government of Colombia, to secure continued progress in ensuring that Colombia's workers can exercise their fundamental labor rights. To assist the USTR in fulfilling this task, the Chairman of the TPSC invites interested persons to provide written comments on these questions and requests. Specific questions for comment are:

(1) Are there gaps in Colombia's labor law regime, including its enforcement mechanisms, with respect to providing for the fundamental labor rights of its citizens? If there are gaps, please identify them and provide specific suggestions for improvement.

(2) Is the Colombian government taking adequate steps to protect Colombia's workers from acts of intimidation or violence that impede the exercise of their fundamental labor rights? If there are gaps, please identify them and provide specific suggestions for improvement.

(3) Has the government of Colombia made sufficient progress in its efforts to prosecute the perpetrators of violence and intimidation against unionists exercising their fundamental labor rights? If there are gaps, please identify them and provide specific suggestions for improvement.

The public is also invited to comment on other issues they believe relevant to the FTA, including the potential benefits of the agreement.

Interested persons may submit written comments by noon, September 15, 2009 (see requirements for submission below). Written comments should be submitted in English and must state clearly the position taken and describe with particularity the supporting rationale.

Public Comment: Requirements for Submissions: To ensure the most timely

⁹ 15 U.S.C. 78f.

¹⁰ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

¹¹ 15 U.S.C. 78f(5).

¹² 15 U.S.C. 78s(b)(2).

¹³ 17 CFR 200.30-3(a)(12).

and expeditious receipt and consideration of comments, USTR has arranged to accept on-line submissions via <http://www.regulations.gov>. To submit comments via <http://www.regulations.gov>, enter docket number USTR-2009-0021 on the home page and click "go". The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notice" under "Document Type" on the left side of the search-results page, and click on the link entitled "Send a Comment or Submission." (For further information on using the <http://www.regulations.gov> Web site, please consult the resources provided on the Web site by clicking on "How to Use This Site" on the left side of the home page.)

The <http://www.regulations.gov> Web site provides the option of making submissions by filling in a "General Comments" field, or by attaching a document. We expect that most submissions will be provided in an attached document. If a document is attached, it is sufficient to type "See attached" in the "General Comments" field.

Submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf) are preferred. If you use an application other than those two, please identify the application in your submission. For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters "BC". Any page containing business confidential information must be clearly marked "BUSINESS CONFIDENTIAL" on the top of that page. If you file comments containing business confidential information you must also submit a public version of the comments. The file name of the public version should begin with the character "P". The "BC" and "P" should be followed by the name of the person or entity submitting the comments. If you submit comments that contain no business confidential information, the file name should begin with the character "P", followed by the name of the person or entity submitting the comments. Electronic submissions should not attach separate cover letters; rather, information that might appear in a cover letter should be included in the comments you submit. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments to a submission in the same file as the submission itself and not as separate files.

We strongly urge submitters to use electronic filing. If an on-line

submission is impossible, alternative arrangements must be made with Ms. Blue prior to delivery for the receipt of such submissions. Ms. Blue may be contacted at (202) 395-3475. General information concerning the Office of the United States Trade Representative may be obtained by accessing its Internet Web site (<http://www.ustr.gov>).

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket Number: FTA-2009-0036]

Additional Proposed Guidance for New Starts/Small Starts Policies and Procedures and Request for Comments for 2009

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Proposed guidance; request for comments.

SUMMARY: This notice includes, and requests comments on, additional Proposed Guidance on New Starts/Small Starts Policies and Procedures. This guidance continues FTA's efforts to streamline and simplify the New and Small Starts programs. The notice: (1) Proposes modifications to the evaluation and rating process; (2) clarifies existing policies; and (3) solicits public feedback on potential changes to FTA's internal practices for the New and Small Starts programs. Please note this guidance is in addition to, and distinct from, the guidance on New Starts/Small Starts Policies and Procedures published concurrently in this issue of the **Federal Register**.

DATES: Comments on the additional Proposed Guidance on New Starts/Small Starts Policies and Procedures must be received by August 18, 2009.

ADDRESSES: You may submit comments—identified by the docket number FTA-2009-0036—by any of the following methods:

Web site: <http://regulations.gov>.

Follow the instructions for submitting comments on the DOT electronic docket site.

Fax: 202-493-2251.

Mail: U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Ave., SE., Washington, DC 20590.

Hand Delivery: U.S. Department of Transportation, Docket Operations, M-

30, West Building Ground Floor, Room W12-140, 1200 New Jersey Ave., SE., Washington, DC 20590, between 8:30 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: You must include the agency name (Federal Transit Administration) and the docket number (FTA-2009-0036). You should submit two copies of your comments if you submit them by mail. If you wish to receive confirmation that FTA received your comments, you must include a self-addressed stamped postcard. Note that all comments received will be posted without change to the Federal Government Web site located at <http://www.regulations.gov>. This means that if your comment includes any personal identifying information, such information will be made available to users of the Web site.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Day, Office of Planning and Environment, telephone (202) 366-5159 and Christopher Van Wyk, Office of Chief Counsel, telephone (202) 366-1733. FTA is located at 1200 New Jersey Ave., SE., East Building, Washington, DC 20590. Office hours are from 8:30 a.m. to 5 p.m., EST, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: This notice includes, and requests comments on, additional Proposed Guidance on New Starts/Small Starts Policies and Procedures. This guidance continues FTA's efforts to streamline and simplify the New and Small Starts programs. This guidance is in addition to, and distinct from, the Final Guidance on New Starts/Small Starts Policies and Procedures published concurrently in this issue of the **Federal Register**. After reviewing and considering public comment on the guidance proposed below, FTA intends to publish Supplemental Final Guidance on New Starts/Small Starts Policies and Procedures, which will take effect immediately upon publication. Projects approved into final design within 30 days of issuance of the Supplemental Final Guidance or prior to its issuance will not be affected in accordance with the policy established by FTA in 2006 so as to provide more stability for New Starts projects far along in the project development process.

Organization

This notice covers three topic areas: (1) Proposed policy changes; (2) clarification of existing policies and procedures; and (3) potential changes to FTA internal practices for managing the New Starts and Small Starts program. This notice fully articulates the