

*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-2009-076 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-NASDAQ-2009-076. 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 the Exchange. 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-2009-076 and should be submitted on or before September 16, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>10</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-20530 Filed 8-25-09; 8:45 am]

**BILLING CODE 8010-01-P**

**DEPARTMENT OF STATE****[Public Notice 6738]**

**Notice of Issuance of a Presidential Permit for the Proposed Enbridge Energy Alberta Clipper Pipeline Project**

August 26, 2009.

**AGENCY:** Department of State.

**ACTION:** Notice of Issuance of a Presidential Permit for the Proposed Enbridge Energy Alberta Clipper Pipeline Project.

**SUMMARY:** This notice announces that on August 20, 2009, the Department of State issued a Presidential Permit to Enbridge Energy, Limited Partnership ("Enbridge") authorizing it to construct, connect, operate, and maintain facilities at the border of the United States and Canada for the transport of crude oil between the United States and Canada across the international boundary.

On May 15, 2007, Enbridge submitted an application to the U.S. Department of State (DOS) for construction, connection, operation, and maintenance of an oil pipeline and associated facilities at the U.S.-Canada border to enable Enbridge to import heavy crude oil from Canada (the Alberta Clipper Project).

Executive Order 13337 of April 30, 2004, as amended, delegates to the Secretary of State the President's authority to receive applications for permits for the construction, connection, operation, or maintenance of facilities, including pipelines, for the exportation or importation of petroleum, petroleum products, coal, or other fuels at the border of the United States and to issue or deny such Presidential Permits upon a national interest determination. The functions assigned to the Secretary have been further delegated within the Department of State to, inter alia, the Deputy Secretary of State.

Consistent with the National Environmental Policy Act of 1969 ("NEPA"), 42 U.S.C. 4321-4370f, the Council of Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA, 40 CFR parts 1500-1508, and the Department's regulations for the implementation of NEPA, 22 CFR part 161, an Environmental Impact Statement (EIS) on potential issuance of a Presidential Permit for the construction, connection, operation, and maintenance of the pipeline was prepared by Entrix, Inc., a contractor selected by the Department of State.

The Department of State published in the **Federal Register** a Notification of Receipt of the Enbridge Application for

a permit on May 25, 2007 (72 FR 29360). That notification solicited public comment on the application for a 30-day period. Thereafter, the Department published in the **Federal Register** a Notification of Intent to Prepare an Environmental Impact Statement on March 31, 2008 (73 FR 16920). The Department's Notice of Availability of the Draft EIS and request for public comment was published in the **Federal Register** on December 5, 2008 (73 FR 74221), seeking comments by January 30, 2009. The Department received 850 public comments in response to this notice and took them into account in making its determination on the Enbridge application.

As required by Executive Order 13337, the Enbridge pipeline application and a Draft Environmental Impact Statement were transmitted to Federal agencies for their review and comment on December 5, 2008. The Department of State received no objections from Federal agencies regarding the issuance of a permit. The Department published a notice of the availability of the Final Environmental Impact Statement in the **Federal Register** on June 8, 2009 (74 FR 27229).

Consistent with its authority under Executive Order 13337, the Department reviewed all of the available information and documentation, including comments submitted by Federal and State agencies and the public. On August 3, 2009, the Secretary's Delegate, Deputy Secretary James B. Steinberg, signed the Record of Decision and National Interest Determination, which states that issuance of the Presidential Permit for the Alberta Clipper Pipeline Project would serve the national interest.

Executive Order 13337 requires that Secretaries or Heads of certain agencies be notified of the Department's proposed determination concerning issuance of the Presidential Permit. Any agency required to be consulted under section 1(g) of the Order that disagrees with the proposed determination may notify the Secretary of State within 15 days of being notified that it disagrees with the determination and request that the Secretary refer the application to the President. On August 4, 2009, as required under section 1(g) of the Executive Order, the Department notified all agencies of its intent to issue the Permit. The Department received no objections from notified agencies.

On August 3, 2009, Deputy Secretary of State James B. Steinberg, signed the Presidential Permit, and on August 20, 2009, the Department issued the Permit to Enbridge.

<sup>10</sup> 17 CFR 200.30-3(a)(12).

**FOR FURTHER INFORMATION CONTACT:** The Presidential Permit, the Record of Decision and National Interest Determination, Enbridge's application for a Presidential Permit, including associated maps and drawings, the Final EIS and other project information is available for viewing and download at the project Web site: <http://www.albertaclipper.state.gov>. For information on the proposed project contact J. Brian Duggan, EEB/ESC Room 4843, U.S. Department of State, Washington, DC 20520, or by telephone (202) 647-1291, or by fax at (202) 647-8758.

Issued in Washington, DC on August 20, 2009.

**Stephen J. Gallogly,**

*Director, Office of International Energy and Commodity Policy, Department of State.*

[FR Doc. E9-20598 Filed 8-25-09; 8:45 am]

**BILLING CODE 4710-07-P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### **Andean Trade Preference Act (ATPA); Notice Regarding the 2009 Annual Review**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice and request for petitions.

**SUMMARY:** This notice announces the 2009 Annual Review of the Andean Trade Preference Act (ATPA). Under this process, petitions may be filed calling for the limitation, withdrawal or suspension of ATPA or ATPDEA benefits by presenting evidence that the eligibility criteria of the program are not being met. USTR will publish in the **Federal Register** a list of petitions filed in response to this announcement and accepted for review.

**DATES:** The deadline for the submission of petitions for the 2009 Annual ATPA Review is September 22, 2009.

**ADDRESSES:** Petitions 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:** Bennett M. Harman, Deputy Assistant U.S. Trade Representative for Latin America, Office of the Americas, Office of the United States Trade Representative, 600 17th St., NW., Washington, DC 20508. The telephone number is (202) 395-9446 and the facsimile number is (202) 395-9675.

**SUPPLEMENTARY INFORMATION:** The ATPA (19 U.S.C. 3201-06), as renewed and amended by the Andean Trade Promotion and Drug Eradication Act (ATPDEA) in the Trade Act of 2002 (Pub. L. 107-210) and extended by the Andean Trade Preference Act, (Pub. L. 110-436), provides for trade benefits for eligible Andean countries. The current beneficiaries of the ATPA are Colombia, Ecuador and Peru. Consistent with Section 3103(d) of the ATPDEA, USTR promulgated regulations (15 CFR part 2016) (68 FR 43922) regarding the review of eligibility of articles and countries for the benefits of the ATPA, as amended. The 2009 Annual ATPA Review is the sixth such review to be conducted pursuant to the ATPA review regulations. To qualify for the benefits of the ATPA and ATPDEA, each country must meet several eligibility criteria, as set forth in sections 203(c) and (d), and section 204(b)(6)(B) of the ATPA, as amended (19 U.S.C. 3202(c), (d); 19 U.S.C. 3203(b)(6)(B)). Under section 203(e) of the ATPA, as amended (19 U.S.C. 3202(e)), the President may withdraw or suspend the designation of any country as an ATPA or ATPDEA beneficiary country, and may also withdraw, suspend, or limit preferential treatment for any product of any such beneficiary country, if the President determines that, as a result of changed circumstances, the country is not meeting the eligibility criteria.

The ATPA regulations provide the schedule of dates for conducting an annual review, unless otherwise specified by **Federal Register** notice. Notice is hereby given that, in order to be considered in the 2009 Annual ATPA Review, all petitions to withdraw or suspend the designation of a country as an ATPA or ATPDEA beneficiary country, or to withdraw, suspend, or limit application of preferential treatment to any article of any ATPA beneficiary country under the ATPA, or to any article of any ATPDEA beneficiary country under section 204(b)(1), (3), or (4) (19 U.S.C. 3202(b)(1), (3), (4)) of the ATPA, must be received by the Andean Subcommittee of the Trade Policy Staff Committee no later than 5 p.m. EDT on September 22, 2009. Petitioners should consult 15 CFR 2016.0 regarding the content of such petitions.

**Requirements for Submissions:** To ensure the most timely and expeditious receipt and consideration of petitions, USTR has arranged to accept on-line submissions via <http://www.regulations.gov>. To submit petitions via <http://www.regulations.gov>, enter docket number USTR-2009-0024 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. Petitions should be submitted as attachments. When doing this 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.

Persons wishing to file comments containing business confidential information must submit a business confidential version and a public version. 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. Persons wishing to file comments containing business confidential information must also provide, in a separate submission, 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