

average closing price of at least \$1.00 for 30 consecutive trading days, which evidences those companies' suitability for continued listing.

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

The Exchange does not believe that the proposed rule change will impose 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**

Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>11</sup> and Rule 19b-4(f)(6) thereunder.<sup>12</sup>

A proposed rule change filed pursuant to Rule 19b-4(f)(6) under the Act<sup>13</sup> normally does not become operative for 30 days after the date of its filing. However, Rule 19b-4(f)(6)<sup>14</sup> permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay because the Exchange believes that: (i) Doing so will avoid potential confusion and inconsistent treatment of companies that could arise if the Exchange was unable to apply this provision on August 31, after having applied such a provision during the temporary suspension period, and then doing so again on September 30 after the filing becomes operative, (ii) such a waiver will allow the Exchange to implement a standard substantially similar to that in place at Nasdaq, and (iii) the Commission has previously published

for public comment the temporary suspension of the dollar price continued listing standard (which included the same early cure provision as proposed in this filing) and received no comments.

The Commission believes that waiving the 30-day operative delay<sup>15</sup> is consistent with the protection of investors and the public interest. As noted by the NYSE, the proposal was previously published for comment and implemented during the temporary suspension of the dollar price continued listing standard.<sup>16</sup> The Commission received no comments on this change. In addition, the proposal will avoid confusion as to the applicable compliance period and is not inconsistent with how NASDAQ applies its compliance period. For these reasons, the Commission believes it is appropriate to waive the 30-day operative delay, allowing the proposed rule change to become operative upon filing.

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

### **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-NYSE-2009-88 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-NYSE-2009-88. 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 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 publicly available. All submissions should refer to File Number SR-NYSE-2009-88 and should be submitted on or before September 30, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>17</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-21646 Filed 9-8-09; 8:45 am]

BILLING CODE 8010-01-P

## **DEPARTMENT OF STATE**

### **[Public Notice 6741]**

#### **Shipping Coordinating Committee; Notice of Subcommittee Meeting**

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 11 a.m. on Wednesday, September 23, 2009, in Room 1422 of the United States Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, DC 20593-0001. The primary purpose of the meeting is to prepare for the ninety-sixth Session of the International Maritime Organization (IMO) Legal Committee (LEG) to be held at the IMO Headquarters, United Kingdom, from October 5 to October 9, 2009.

The primary matters to be considered include:

—Adoption of the agenda

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

<sup>11</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>12</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied the five-day pre-filing requirement.

<sup>13</sup> 17 CFR 240.19b-4(f)(6).

<sup>14</sup> 17 CFR 240.19b-4(f)(6).

<sup>15</sup> For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>16</sup> See *supra* notes 6-7.

- Decisions of other IMO bodies
- Consideration and adoption of amendments to mandatory instruments
- Measures to enhance maritime security
- Goal-based new ship construction standards
- LRIT-related matters
- Technical assistance sub-programme in maritime safety and security
- Capacity-building for the implementation of new measures
- Role of the human element
- Formal safety assessment
- Piracy and armed robbery against ships
- General cargo ship safety
- Reports of six subcommittees—Ship design and equipment, Training and Watchkeeping, Radiocommunications and Search and Rescue, Flag State Implementation, Safety of Navigation, Stability, Load Lines and Fishing Vessel Safety, Dangerous Goods, Solid Cargoes and Containers
- Relations with other organizations
- Election of Chairman and Vice-Chairman for 2009

Members of the public may attend this meeting up to the seating capacity of the room. To facilitate the building security process, those who plan to attend should contact the meeting coordinator, Bronwyn G. Douglass, by e-mail at [bronwyn.douglass@uscg.mil](mailto:bronwyn.douglass@uscg.mil), by phone at (202) 372-3792, by fax at (202) 372-3972, or in writing at Commandant (CG-0941), U.S. Coast Guard, 2100 2nd Street, SW., STOP 7121, Washington, DC 20593-7121 not later than 72 hours before the meeting. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Headquarters building. The Headquarters building is accessible by taxi and privately owned conveyance (public transportation is not generally available). However, parking in the vicinity of the building is extremely limited. A member of the public needing reasonable accommodation should make his or her request by September 16th. Requests submitted after that date will be considered, but might not be able to be fulfilled. Additional information regarding this and other IMO SHC public meetings may be found at: <http://www.uscg.mil/hq/cg5/imo>.

Dated: September 2, 2009.

**J. Trent Warner,**

*Executive Secretary, Shipping Coordinating Committee, Department of State.*

[FR Doc. E9-21691 Filed 9-8-09; 8:45 am]

BILLING CODE 4710-09-P

## DEPARTMENT OF STATE

### [Public Notice 6739]

#### Notice of Public Meeting

**SUMMARY:** The U.S. Department of State, Bureau of Oceans and International Environmental and Scientific Affairs (OES), Office of Marine Conservation announces that the Advisory Panel to the U.S. Section of the North Pacific Anadromous Fish Commission will meet on September 23, 2009.

**DATES:** The meeting will take place via teleconference on September 23, 2009 from 1 p.m. to 3 p.m. Eastern time.

**Meeting Details:** The teleconference call-in number is toll-free 1-888-456-0348, passcode 20935, and will have a limited number of lines for members of the public to access from anywhere in the United States. Callers will hear instructions for using the passcode and joining the call after dialing the toll-free number noted. Members of the public wishing to participate in the teleconference must contact the OES officer in charge as noted in the **FOR FURTHER INFORMATION CONTACT** section below no later than close of business on Monday, September 21, 2009.

**FOR FURTHER INFORMATION CONTACT:** John Field, Office of Marine Conservation, OES, Room 2758, U.S. Department of State, 2201 C Street, NW., Washington, DC 20520. Telephone (202) 647-3263, fax (202) 736-7350, e-mail [fieldjd@state.gov](mailto:fieldjd@state.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with the requirements of the Federal Advisory Committee Act, notice is given that the Advisory Panel to the U.S. Section of the North Pacific Anadromous Fish Commission (NPAFC) will meet on the date and time noted above. The panel consists of members from the states of Alaska and Washington who represent the broad range fishing and conservation interests in anadromous and ecologically related species in the North Pacific. Certain members also represent relevant state and regional authorities. The panel was established in 1992 to advise the U.S. Section of the NPAFC on research needs and priorities for anadromous species, such as salmon, and ecologically related species occurring in the high seas of the North Pacific Ocean. The upcoming Panel meeting will focus on three major topics: (1) Review of the agenda for the 2009 annual meeting of the NPAFC (November 2-6, 2009; Niigata, Japan); (2) logistics for the U.S. Section at the NPAFC meeting; and (3) the future status of the Panel. Background material is available from the point of contact

noted above and by visiting <http://www.npafc.org>.

Dated: September 1, 2009.

**William Gibbons-Fly,**

*Director, Office of Marine Conservation, Department of State.*

[FR Doc. E9-21702 Filed 9-8-09; 8:45 am]

BILLING CODE 4710-09-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

#### [STB Finance Docket No. 35252]

#### Regional Transportation District—Acquisition Exemption—Union Pacific Railroad Company in Adams, Boulder, Broomfield, and Weld, CO

Regional Transportation District (RTD),<sup>1</sup> a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Union Pacific Railroad Company (UP) approximately 32.97 miles of rail line, known as the Boulder Industrial Lead, extending from milepost 0.2 (north of Denver) to approximately milepost 33.17, including the Lakeside Spur (Boulder County), in the Counties of Adams, Boulder, Broomfield, and Weld, CO. According to RTD, UP will retain an exclusive freight easement for the trackage on the Boulder Industrial Lead, and UP will retain the exclusive right to operate freight service on the entire line.

RTD states that the transaction was agreed upon on June 25, 2009. The earliest this transaction may be consummated is September 23, 2009, the effective date of the exemption (30 days after the exemption is filed). According to RTD, it will acquire no right or obligation to provide freight rail service on the Boulder Industrial Lead, and it is acquiring the property for the purpose of providing intrastate passenger commuter rail operations. RTD certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class II or Class I rail carrier.

If the notice contains false or misleading information, the exemption is void *ab initio*.<sup>2</sup> Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction. Petitions for stay must be filed no later than September 16, 2009 (at least 7 days

<sup>1</sup> RTD is a political subdivision of the State of Colorado.

<sup>2</sup> A motion to dismiss has been filed in this proceeding. The motion will be addressed in a subsequent Board decision.