

receive a credit of \$0.0020 per share in all securities as they do today.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,¹¹ in general, and with Section 6(b)(4) of the Act,¹² in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls. The proposed fee change applies uniformly to all NASDAQ members. The impact of the changes upon the net fees paid by a particular market participant will depend upon a number of variables, including its monthly volume, the prices of its quotes and orders (*i.e.*, its propensity to add or remove liquidity), and the listing venue for the securities that it trades. NASDAQ notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive. The proposed rule change reflects a reduction in the overall cost of trading on NASDAQ. Nasdaq believes that the applicable fees and credits remain competitive with those charged by other venues and therefore continue to be reasonable and equitably allocated to those members that opt to direct orders to NASDAQ rather than competing venues.

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

NASDAQ 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, as amended.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act¹³ and subparagraph (f)(2) of Rule 19b-4 thereunder.¹⁴ 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. Please include File Number SR-NASDAQ-2009-035 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-2009-035. 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 offices 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-2009-035, and should be submitted on or before May 27, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.¹⁵

Elizabeth M. Murphy,

Secretary.

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DEPARTMENT OF STATE

[Public Notice: 6605]

Bureau of Oceans, Environment and Science; Certifications Pursuant to Section 609 of Public Law 101-162

SUMMARY: On May 1, 2009, the Department of State certified, pursuant to Section 609 of Public Law 101-162 ("Section 609"), that 15 nations have adopted programs to reduce the incidental capture of sea turtles in their shrimp fisheries comparable to the program in effect in the United States. The Department also certified that the fishing environments in 24 other countries and one economy, Hong Kong, do not pose a threat of the incidental taking of sea turtles protected under Section 609. Shrimp imports from any nation not certified were prohibited effective May 1, 2009 pursuant to Section 609.

DATES: *Effective Date:* On Publication.

FOR FURTHER INFORMATION CONTACT: James J. Hogan, III, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20520-7818; telephone: (202) 647-2252.

SUPPLEMENTARY INFORMATION: Section 609 of Public Law 101-162 prohibits imports of certain categories of shrimp unless the President certifies to the Congress not later than May 1 of each year either: (1) That the harvesting nation has adopted a program governing the incidental capture of sea turtles in its commercial shrimp fishery comparable to the program in effect in the United States and has an incidental take rate comparable to that of the United States; or (2) that the fishing environment in the harvesting nation does not pose a threat of the incidental taking of sea turtles. The President has delegated the authority to make this certification to the Department of State. Revised State Department guidelines for making the required certifications were published in the **Federal Register** on July 2, 1999 (Vol. 64, No. 130, Public Notice 3086).

On May 1, 2009, the Department certified 15 nations on the basis that

¹¹ 15 U.S.C. 78f.

¹² 15 U.S.C. 78f(b)(4).

¹³ 15 U.S.C. 78s(b)(3)(a)(ii).

¹⁴ 17 CFR 240.19b-4(f)(2).

¹⁵ 17 CFR 200.30-3(a)(12).

their sea turtle protection programs are comparable to that of the United States: Belize, Colombia, Ecuador, El Salvador, Guatemala, Guyana, Honduras, Madagascar, Mexico, Nicaragua, Nigeria, Pakistan, Panama, Suriname, and Venezuela.

The Department also certified 24 shrimp harvesting nations and one economy as having fishing environments that do not pose a danger to sea turtles. Sixteen nations have shrimping grounds only in cold waters where the risk of taking sea turtles is negligible. They are: Argentina, Belgium, Canada, Chile, Denmark, Finland, Germany, Iceland, Ireland, the Netherlands, New Zealand, Norway, Russia, Sweden, the United Kingdom, and Uruguay. Eight nations and one economy only harvest shrimp using small boats with crews of less than five that use manual rather than mechanical means to retrieve nets, or catch shrimp using other methods that do not threaten sea turtles. Use of such small-scale technology does not adversely affect sea turtles. The eight nations and one economy are: the Bahamas, China, the Dominican Republic, Fiji, Hong Kong, Jamaica, Oman, Peru and Sri Lanka.

The 2009 recommendation for certification changes Costa Rica's status by de-certifying that country. For several years, OES/OMC has been accumulating data, both through certification visits and from credible third-party sources suggesting that Costa Rica's program did not provide sanctions for TED violations that served as an effective deterrent against the failure to use TEDs. In meetings with senior Costa Rican fisheries officials during the December 2008 certification visit, the State Department representative stressed that without rapid remedial action Costa Rica's certification might be compromised. Costa Rican officials were aware of the issue and promised to resolve it early in 2009. However, the United States Embassy in San Jose reports that since that December visit Costa Rican authorities have not taken all the action they promised. Additionally, third parties, including Costa Rican Non-Governmental Organizations (NGOs), have written OES/OMC saying that TED violations in Costa Rica still go unpunished. Because of Costa Rica's ineffective enforcement mechanism for TEDs violations, the State Department has concluded that Costa Rica's regulatory program governing the incidental take of sea turtles is not currently comparable to that of the United States.

The Department of State has communicated the certifications under Section 609 to the Office of Field Operations of U.S. Customs and Border Protection.

In addition, this **Federal Register** Notice confirms that the requirement for all DS-2031 forms from uncertified nations must be originals and signed by the competent domestic fisheries authority. This policy change was first announced in a Department of State media note released on December 21, 2004. In order for shrimp harvested with Turtle Excluder Devices (TEDs) in an uncertified nation to be eligible for importation into the United States under the exemption: "Shrimp harvested by commercial shrimp trawl vessels using TEDs comparable in effectiveness to those required in the United States", the Department of State must determine in advance that the government of the harvesting nation has put in place adequate procedures to ensure the accurate completion of the DS-2031 forms. At this time, the Department has made such a determination only with respect to Brazil and Australia. Thus, the importation of TED-caught shrimp from any other uncertified nation will not be allowed. For Brazil, only shrimp harvested in the northern shrimp fishery are eligible for entry under this exemption. For Australia, shrimp harvested in the Exmouth, Northern Prawn Fishery and Torres Strait Fishery are eligible for entry under this exemption.

In addition, the Department has already made a determination with regard to wild-harvest shrimp harvested in the Spencer Gulf region in Australia. This product may be exported to the U.S. using a DS-2031 under the exemption for "shrimp harvested in a manner or under circumstances determined by the Department of State not to pose a threat of the incidental taking of sea turtles." An official of the Government of Australia still also must certify the DS-2031.

Dated: April 30, 2009.

Margaret F. Hayes,

Acting Deputy Assistant Secretary for Oceans and Fisheries, Department of State.

[FR Doc. E9-10497 Filed 5-5-09; 8:45 am]

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DEPARTMENT OF STATE

[Public Notice 6604]

Notice of Meeting

Title: Notification of a Public Meeting on Section 202 of the William

Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Pub. L. 110-457).

SUMMARY: The U.S. Department of State is holding a public meeting on Thursday, May 21, 2009 at 1 p.m. at the Department of State, 2201 C Street, NW., Washington, DC 20520, in the Loy Henderson Auditorium. The purpose of the meeting is to allow non-governmental organizations, and others with expertise on the legal rights of workers and victims of severe forms of trafficking in persons, to provide their expertise and input into the development and distribution of an information pamphlet on the legal rights and resources for aliens applying for employment- or education-based nonimmigrant visas. This is pursuant to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, specifically section 202, *Protections for domestic workers and other nonimmigrants*. This Act defines "employment- or education-based nonimmigrant visa" as a nonimmigrant visa issued under subparagraph (A)(iii), (G)(v), (H), or (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and any nonimmigrant visa issued to a personal or domestic servant who is accompanying or following to join an employer. Organizations or individuals may also submit written comments to be considered by the Department of State as it develops this information pamphlet.

DATES: RSVP for the Public Meeting must be sent by COB May 18, 2009 to Dabrina Wills at: WillsDE2@state.gov in order to facilitate the security clearance process for entry into the Department of State. RSVP must include name, date of birth, and either a driver's license number or passport number; and any request for reasonable accommodation, if applicable. Requests for reasonable accommodation received after May 14 will be considered but might not be possible to fill. Attendees will use the C Street Entrance. Written comments must be submitted on or before May 25, 2009.

ADDRESSES: You may submit written comments to: TVPRainfopamphlet@state.gov or, if you have access to the internet, you may submit written comments electronically at the following address: <http://www.regulations.gov/search/index.jsp>. Please note that comments posted on [regulations.gov](http://www.regulations.gov) will be accessible to the general public.

FOR FURTHER INFORMATION CONTACT:

Amy O'Neill Richard, Office To Monitor and Combat Trafficking in Persons, U.S.