

Commission designates the proposed rule change operative upon filing with the Commission.

At any time within 60 days of the filing of such 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-BX-2009-038 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-BX-2009-038. 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 the filing will also be available for inspection and copying at the

considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

principal office of the self-regulatory organization. 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-BX-2009-038 and should be submitted on or before August 14, 2009.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Florence E. Harmon,**

*Deputy Secretary.*

[FR Doc. E9-17637 Filed 7-23-09; 8:45 am]

**BILLING CODE 8010-01-P**

#### DEPARTMENT OF STATE

[Public Notice: 6705]

##### **Correction to 30-Day Notice of Proposed Information Collection: DS-7655, Iraqi Citizens and Nationals Employed by U.S. Federal Contractors, Grantees, and Cooperative Agreement Partners, OMB Control Number 1405-0184; Corrections**

**AGENCY:** Department of State.

**ACTION:** Notice; correction.

**SUMMARY:** This document contains a correction to the 30-Day Notice of Proposed Information Collection: DS-7655, Iraqi Citizens and Nationals Employed by U.S. Federal Contractors, Grantees, and Cooperative Agreement Partners, OMB Control Number 1405-0184 published in the **Federal Register** on Tuesday, July 14, 2009, in Volume 74-No. 133, page 34070. The document contained incorrect 'Estimated Number of Responses' due to a typographical error.

##### **FOR FURTHER INFORMATION CONTACT:**

Robert S. Lower (POC), Department of State, A/LM Room 525, P.O. Box 9115 Rosslyn Station, Arlington, VA 22219, who may be reached at 703-875-5822 or at [LowerRS@state.gov](mailto:LowerRS@state.gov).

##### **Correction**

In the **Federal Register** of Tuesday, July 14, 2009, in Volume 74-No. 133, page 34070, in the 3rd column 7th bullet, correct the 7th bullet to read:

- *Estimated Number of Responses:* 200.

<sup>14</sup> 17 CFR 200.30-3(a)(12).

Dated: July 15, 2009.

**William H. Moser,**

*Deputy Assistant Secretary, Office of Logistics Management, Bureau of Administration, Department of State.*

[FR Doc. E9-17549 Filed 7-23-09; 8:45 am]

**BILLING CODE 4710-24-P**

#### DEPARTMENT OF TRANSPORTATION

##### **Federal Railroad Administration**

[Docket No. FRA-2009-0001-N-17]

##### **Proposed Agency Information Collection Activities; Comment Request**

**AGENCY:** Federal Railroad Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

**DATES:** Comments must be received no later than September 22, 2009.

**ADDRESSES:** Submit written comments on any or all of the following proposed activities by mail to either: Mr. Robert Brogan, Office of Safety, Planning and Evaluation Division, RRS-21, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 25, Washington, DC 20590, or Ms. Nakia Jackson, Office of Information Technology, RAD-20, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, "Comments on OMB control number 2130-0509." Alternatively, comments may be transmitted via facsimile to (202) 493-6216 or (202) 493-6497, or via e-mail to Mr. Brogan at [robert.brogan@dot.gov](mailto:robert.brogan@dot.gov), or to Ms. Jackson at [nakia.jackson@dot.gov](mailto:nakia.jackson@dot.gov). Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Office of Safety,

Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 25, Washington, DC 20590 (telephone: (202) 493–6292) or Ms. Nakia Jackson, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave., SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6470). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law No. 104–13, § 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) Whether the information collection activities are necessary for FRA to properly execute

its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(i)–(iv); 5 CFR 1320.8(d)(1)(i)–(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a “user friendly” format to improve the use of such information; and (iii) accurately assess the resources

expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below is a brief summary of the currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

*Title:* State Safety Participation Regulations and Remedial Actions.

*OMB Control Number:* 2130–0509.

*Abstract:* The collection of information is set forth under 49 CFR part 212, and requires qualified State inspectors to provide various reports to FRA for monitoring and enforcement purposes concerning State investigative, inspection, and surveillance activities regarding railroad compliance with Federal railroad safety laws and regulations. Additionally, railroads are required to report to FRA actions taken to remedy certain alleged violations of law.

*Form Number(s):* FRA F 6180.33/61/67/96/96A/109/110/111/112.

*Affected Public:* Businesses.

*Respondent Universe:* States and Railroads.

*Reporting Burden:*

CFR section	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
Application For Participation .....	15 States .....	15 updates .....	2.53 hours .....	38
Training Funding Agreement .....	30 States .....	30 agreements .....	1 hour .....	30
State Inspector Travel Vouchers .....	30 States .....	300 vouchers .....	1 hour .....	300
Annual Work Plan .....	30 States .....	30 reports .....	15 hours .....	450
Inspection Form (Form FRA F 6180.96) .....	30 States .....	18,000 forms .....	15 minutes .....	4,500
Violation Report—Motive, Power, and Equipment Regulations (Form FRA F 6180.109).	19 States .....	600 reports .....	4 hours .....	2,400
Violation Report—Operating Practices Regulations (Form FRA F 6180.67).	16 States .....	50 reports .....	4 hours .....	200
Violation Report—Hazardous Materials Regulations (Form FRA F 6180.110).	14 States .....	150 reports .....	4 hours .....	600
Violation Report—Hours of Service Law (F 6180.33).	16 States .....	21 reports .....	4 hours .....	84
Violation Report—Accident/Incident Reporting Rules (Form FRA F 6180.61).	16 States .....	10 reports .....	4 hours .....	40
Violation Report—Track Safety Regulations (Form FRA F 6180.111).	24 States .....	300 reports .....	4 hours .....	1,200
Violation Report—Signal and Train Control Regulations (Form FRA F 6180.112).	13 States .....	10 reports .....	4 hours .....	40
Remedial Actions Reports .....	573 Railroads .....	3,933 reports .....	15 minutes .....	983
Violation Report Challenge .....	573 Railroads .....	813 challenges .....	1 hour .....	813
Delayed Reports .....	573 Railroads .....	393 reports .....	30 minutes .....	197

*Total Responses:* 24,655.  
*Estimated Total Annual Burden:* 11,875 hours.

*Status:* Extension of a currently approved collection.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501–3520.

Issued in Washington, DC on July 20, 2009.

**Martin Eble,**

*Acting Director, Office of Financial Management, Federal Railroad Administration.*

[FR Doc. E9–17612 Filed 7–23–09; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–25290]

#### Commercial Driver's License Standards; Isuzu Motors America, Inc.'s Exemption Application

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of final disposition; granting of application for exemption.

**SUMMARY:** FMCSA announces its decision to approve Isuzu North America Corporation's (Isuzu) application for an exemption for a period of 2 years. The exemption allows 20 Isuzu commercial motor vehicle (CMV) drivers, who are citizens and residents of Japan and hold a Japanese commercial driver's license (CDL), to test-drive Isuzu CMVs in the United States without a CDL issued by one of the States. Isuzu requested the exemption so that these driver-employees, as a team, can support the evaluation and testing of production and prototype Isuzu CMVs for sale in the United States. FMCSA believes the knowledge and skills training and testing that Japanese drivers must undergo to obtain a Japanese CDL ensures a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption.

**DATES:** This exemption is effective on July 24, 2009 and expires on July 25, 2011.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert F. Schultz, Jr., FMCSA Office of Bus and Truck Standards and

Operations, Driver and Carrier Operations Division, Telephone: 202–366–4325, or e-mail: [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 31315(b)(1) and 31136(e), FMCSA may grant an exemption for a maximum of 2 years if it finds “\* \* \* such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption \* \* \*.” The procedure for requesting an exemption is prescribed by 49 CFR part 381.

##### Isuzu Application for an Exemption

Isuzu has applied for an exemption from the requirement of 49 CFR 383.23 that operators of CMVs must obtain a CDL from one of the States. Specifically, it asks that 20 of its employee-drivers who are citizens and residents of Japan and hold a Japanese CDL be permitted to operate a CMV in the United States for a period of 2 years. The exemption would allow these individuals to test-drive Isuzu CMVs without a CDL issued by one of the States. A copy of the request for exemption is in the docket identified at the beginning of this notice.

##### Method To Ensure an Equivalent or Greater Level of Safety

These Isuzu drivers are experienced operators of CMVs. In Japan, drivers must hold a conventional driver's license for at least 3 years to be eligible for a CDL. They also must successfully pass both skills and knowledge tests to obtain a Japanese-issued CDL. A driver granted a Japanese CDL may legally operate any CMV allowed on the roads of Japan. Isuzu believes that these Japanese-CDL drivers will achieve a level of safety equaling or exceeding the level of safety that would be achieved without the exemption.

##### Comments

On April 6, 2009, FMCSA published a notice of Isuzu's application for exemption and requested comments from the public by May 6, 2009 (74 FR 15575). No comments were received.

##### FMCSA Decision

FMCSA believes that the operations of the 20 Isuzu drivers will ensure a level of safety that is equivalent to, or greater than, the level of safety that would be achieved without the exemption. FMCSA's decision to grant this exemption is based on the merits of the application for exemption and the considerable CMV-driving experience of these drivers. In addition, FMCSA

considers the rigorous skills and knowledge testing that Japanese drivers undergo to obtain a Japanese CDL to be comparable to, or as effective as, the requirements of a U.S. CDL (49 CFR part 383). Therefore, FMCSA grants exemption from the requirements of 49 CFR 383.23 to the following 20 individuals, while employed by Isuzu, to enable them to operate CMVs in the U.S. without a U.S. CDL for a period of 2 years: Tadashi Shoda, Ryouji Matsuzawa, Hisashi Hashiguchi, Nobuhisa Okuda, Minoru Endo, Fumiaki Takei, Akira Yoshino, Tadao Shibuya, Akira Iizuka, Yoshinori Ugai, Kazuyoshi Tateishi, Naomi Uchida, Kiyoshi Toshima, Khoki Natsumi, Minuro Tsuchida, Mitsuo Konno, Hiroaki Kurata, Naoki Morimoto, Takayuki Kaneda, and Chito Agatsuma.

##### Terms and Conditions of the Exemption

This exemption is subject to the following terms and conditions: (1) These drivers are subject to the drug and alcohol regulations, including testing, as provided in 49 CFR part 382, (2) these drivers are subject to the same driver disqualification rules under 49 CFR parts 383 and 391 that apply to other CMV drivers in the United States, (3) Isuzu shall notify FMCSA in writing if an exempted driver is convicted of a disqualifying offense described in sections 383.51 or 391.15 of the Federal Motor Carrier Safety Regulations (49 CFR 350 *et seq.*), (4) these drivers must keep, at all times, a copy of the exemption with them in the CMV they are driving, and (5) Isuzu must notify FMCSA in writing of any accident, as defined in 49 CFR 390.5, that involves an exempted driver.

FMCSA will revoke this exemption if: (1) The Isuzu drivers fail to comply with the terms and conditions of the exemption, (2) the exemption results in a lower level of safety than was maintained before it was granted, or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136.

Issued on: July 16, 2009.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. E9–17617 Filed 7–23–09; 8:45 am]

**BILLING CODE 4910–EX–P**