

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 No. SR-BATS-2009-028 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 No. SR-BATS-2009-028. 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 BATS. 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 No. SR-BATS-2009-028 and should be

submitted on or before September 22, 2009.

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

**Florence E. Harmon,**  
*Deputy Secretary.*

[FR Doc. E9-20988 Filed 8-31-09; 8:45 am]

BILLING CODE 8010-01-P

#### DEPARTMENT OF STATE

[Public Notice: 6748]

##### **60-Day Notice of Proposed Information Collection: DS 3072, Emergency Loan Application and Evacuation Documentation, OMB Control Number 1405-0150**

**ACTION:** Notice of request for public comments.

**SUMMARY:** The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. The purpose of this notice is to allow 60 days for public comment in the **Federal Register** preceding submission to OMB. We are conducting this process in accordance with the Paperwork Reduction Act of 1995.

- *Title of Information Collection:* Emergency Loan Application and Evacuation Documentation.
- *OMB Control Number:* OMB Control Number 1405-0150.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS).
- *Form Number:* DS 3072.
- *Respondents:* U.S. Citizens applying for emergency loan assistance or evacuation processing.
- *Estimated Number of Respondents:* 1,176.
- *Estimated Number of Responses:* 1,176.
- *Average Hours Per Response:* 10 minutes.
- *Total Estimated Burden:* 196 hours.
- *Frequency:* On Occasion.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

**DATES:** The Department will accept comments from the public up to 60 days from September 1, 2009.

**ADDRESSES:** You may submit comments by any of the following methods:

- *E-mail:* [ASKPRI@state.gov](mailto:ASKPRI@state.gov).
- *Mail (paper, disk, or CD-ROM submissions):* U.S. Department of State, CA/OCS/PRI, SA-29, 4th Floor, Washington, DC 20520.

- *Fax:* 202-736-9111.

- *Hand Delivery or Courier:* U.S.

Department of State, CA/OCS/PRI, 2100 Pennsylvania Avenue, 4th Floor, Washington, DC 20037.

You must include the DS form number (if applicable), information collection title, and OMB control number in any correspondence.

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

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed information collection and supporting documents, to Derek A. Rivers, Bureau of Consular Affairs, Overseas Citizens Services (CA/OCS/PRI), U.S. Department of State, SA-29, 4th Floor, Washington, DC 20520, who may be reached on (202) 736-9082 or [ASKPRI@state.gov](mailto:ASKPRI@state.gov).

**SUPPLEMENTARY INFORMATION:** *We are soliciting public comments to permit the Department to:*

- Evaluate whether the proposed information collection is necessary for the proper performance of our functions.
- Evaluate the accuracy of our estimate of the burden of the proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of technology.

#### **Abstract of Proposed Collection**

The purpose of the DS-3072 is to process emergency loans for destitute citizens and to document the safe and efficient evacuation of private United States citizens, dependents and third country nationals from abroad. The information will be used to process the emergency loan, facilitate reception and resettlement assistance in the U.S. and for debt collection. Respondents are private U.S. citizens and their dependents abroad who are destitute and in need of repatriation to the U.S.; private U.S. citizens and their dependents abroad who are in need of emergency medical and dietary assistance who are unable to obtain such services otherwise; and private U.S. citizens abroad and their dependents and third country nationals who are in need of evacuation when their lives are endangered by war, civil unrest, or natural disaster.

#### **Methodology**

The Bureau of Consular Affairs will be posting this form on Department of

<sup>13</sup> 17 CFR 200.30-3(a)(12).

State websites to give respondents the opportunity to fill the form out online or print out the form and fill it out manually and submit the form in person or by fax or mail.

Dated: July 10, 2009.

**Mary Ellen Hickey,**

*Managing Director, Bureau of Consular Affairs, Department of State.*

[FR Doc. E9-21088 Filed 8-31-09; 8:45 am]

**BILLING CODE 4710-06-P**

## DEPARTMENT OF STATE

[Public Notice 6747]

### Culturally Significant Object Imported for Exhibition Determinations: "Luc Tuymans"

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003 [68 FR 19875], I hereby determine that the object in the exhibition: "Luc Tuymans," imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at the Wexner Center for the Arts, Columbus, OH, from on or about September 20, 2009, until on or about January 3, 2010; San Francisco Museum of Modern Art, San Francisco, CA, from on or about February 13, 2010, until on or about May 16, 2010; Dallas Museum of Art, Dallas, TX, from on or about June 13, 2010, until on or about September 6, 2010; Museum of Contemporary Art, Chicago, IL, from on or about October 2, 2010, until on or about January 9, 2011, and at possible additional exhibitions or

venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of the exhibit object, contact Julie Simpson, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6467). The address is U.S. Department of State, L/PD, SA-5, 2200 C Street, NW., Suite 5H03, Washington, DC 20522-0505.

Dated: August 25, 2009

**Maura M. Pally,**

*Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. E9-21086 Filed 8-31-09; 8:45 am]

**BILLING CODE 4710-05-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-1999-6439, Notice No. 20]

### Adjustment of Nationwide Significant Risk Threshold

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of Adjustment of Nationwide Significant Risk Threshold.

**SUMMARY:** In accordance with Appendix D to Title 49 Code of Federal Regulations (CFR) part 222, Use of Locomotive Horns at Highway-Rail Grade Crossings, FRA is updating the Nationwide Significant Risk Threshold (NSRT). This action is needed to ensure that the public has the proper threshold of permissible risk for calculating quiet zones established in relationship to the NSRT. This is the third update to the NSRT, which is being increased to 18,775 from 17,610.

**DATES:** The effective date is September 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ronald Ries, Office of Railroad Safety, FRA, 1200 New Jersey Avenue, SE.,

Washington, DC 20590 (telephone: 202-493-6299 or e-mail: [Ronald.Ries@dot.gov](mailto:Ronald.Ries@dot.gov)); or Kathryn Shelton, Office of Chief Counsel, FRA, 1200 New Jersey Avenue, SE., Washington, DC 20590 (telephone: 202-493-6038 or e-mail: [Kathryn.Shelton@dot.gov](mailto:Kathryn.Shelton@dot.gov)).

### SUPPLEMENTARY INFORMATION:

#### Background

The NSRT is simply an average of the risk indexes for gated public crossings, nationwide, where train horns are routinely sounded. FRA developed this risk index to serve as one threshold of permissible risk for quiet zones established under this rule across the Nation. Thus, a community that is trying to establish and/or maintain its quiet zone pursuant to 49 CFR part 222 can compare the Quiet Zone Risk Index calculated for its specific crossing corridor to the NSRT to determine whether sufficient measures have been taken to compensate for the excess risk that results from prohibiting routine sounding of the locomotive horn. (Alternatively, a community can establish its quiet zone in comparison to the Risk Index With Horns, which is a corridor-specific measure of risk to the motoring public, when locomotive horns are routinely sounded at every public highway-rail grade crossing within the quiet zone.)

In 2006, when the final rule titled, "Use of Locomotive Horns at Highway-Rail Grade Crossings," was amended, the NSRT was 17,030 (71 FR 47614, Aug. 17, 2006). In 2007, FRA recalculated the NSRT to be 19,047 (72 FR 14850, Mar. 29, 2007). In 2008, FRA recalculated the NSRT to be 17,610 (73 FR 30661, May 28, 2008).

#### New NSRT

Using collision data from 2004 to 2008, FRA has recalculated the NSRT based on formulas identified in Appendix D to 49 CFR part 222. In making this recalculation, FRA noted that the total number of gated, non-whistle-ban crossings was 39,065.

$$\text{Fatality Rate} = \frac{\text{Fatalities}}{\text{Fatal Incidents} = 287} = \frac{358}{1.2474}$$

$$\text{Injury Rate} = \frac{\text{Injuries in Injury-Only Incidents}}{\text{Injury-Only Incidents} = 708} = \frac{1008}{1.4237}$$

Applying the fatality rate and injury rate to the probable number of fatalities and casualties predicted to occur at each

of the 39,065 identified crossings and the predicted cost of the associated

injuries and fatalities, FRA calculates the NSRT to be 18,775.