

*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-2006-92 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-2006-92. 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 available publicly. All submissions should refer to File Number SR-NYSE-2006-92 and should be submitted on or before March 27, 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. E9-4754 Filed 3-5-09; 8:45 am]

**BILLING CODE 8011-01-P**

**DEPARTMENT OF STATE****[Public Notice 6538]**

**Meeting of the Environmental Affairs Council (EAC) of the Dominican Republic—Central America—United States Free Trade Agreement (CAFTA-DR)**

**AGENCY:** Department of State.

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

**SUMMARY:** The Department of State and the Office of the United States Trade Representative (USTR) are providing notice that, as set forth in Chapter 17 (Environment) of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR), the CAFTA-DR governments intend to hold the fourth meeting of the Environmental Affairs Council (the "Council") in San Jose, Costa Rica on March 10, 2009. The Council will hold an information session for members of the public on March 10, 2009, from 2–4 p.m. in the Ramada Herradura Hotel, facing the General Cañas Highway, five kilometers south of the Juan Santamaria International Airport. The purpose of the Council meetings is detailed below under **SUPPLEMENTARY INFORMATION**.

The meeting agenda will include a review of issues concerning implementation of the Environment Chapter, review and formal adoption of Working Procedures and a Public Outreach Plan for the Secretariat for Environmental Matters Under the CAFTA-DR ("Secretariat"), appointment of a new General Coordinator for the Secretariat, and presentations of various accomplishments under the CAFTA-DR Environmental Cooperation Program.

The Department of State and USTR invite interested agencies, organizations, and members of the public to submit written comments or suggestions regarding agenda items and to attend the public session. In preparing comments, we encourage submitters to refer to the CAFTA-DR Environment Chapter and the Final Environment Review of the CAFTA-DR (available at <http://www.ustr.gov>) and the Environmental Cooperation Agreement (ECA) (available at <http://www.state.gov/g/oes/env/trade/>).

**DATES:** To be assured of timely consideration, submit comments on or before March 9, 2009.

**ADDRESSES:** Written comments or suggestions should be submitted to both: (1) Rachel Kastenberg, Department of State, Bureau of Oceans, Environment, and Science, Office of

Environmental Policy by electronic mail at [kastenbergRL@state.gov](mailto:kastenbergRL@state.gov) with the subject line "CAFTA-DR EAC Meeting" or by fax to (202) 647-5947; and (2) Mara M. Burr, Deputy Assistant United States Trade Representative for Environment and Natural Resources, Office of the United States Trade Representative by electronic mail at [mburr@ustr.eop.gov](mailto:mburr@ustr.eop.gov) with the subject line "CAFTA-DR EAC Meeting" or by fax to (202) 395-9517.

**FOR FURTHER INFORMATION CONTACT:** Rachel Kastenberg, Telephone (202) 647-9266 or Mara M. Burr, Telephone (202) 395-7320.

**SUPPLEMENTARY INFORMATION:** Article 17.5 of Chapter 17 of CAFTA-DR establishes an Environmental Affairs Council (the "Council"). Article 17.5 requires the Council to meet at least once a year, unless the Parties otherwise agree, to discuss the implementation of, and progress under, Chapter 17. Article 17.5 further requires, unless the Parties otherwise agree, that each meeting of the Council include a session in which members of the Council have an opportunity to meet with the public to discuss matters relating to the implementation of Chapter 17.

In Article 17.9 of the Chapter, the Parties recognize the importance of strengthening capacity to protect the environment and to promote sustainable development in concert with strengthening trade and investment relations and state their commitment to expanding their cooperative relationship on environmental matters. Article 17.9 also notes that the Parties have negotiated an Environmental Cooperation Agreement (ECA) that sets out certain priority areas of cooperation on environmental activities. These priority areas are reflected in Annex 17.9 and include, among other things, conserving and managing shared, migratory, and endangered species in international trade; exchanging information on domestic implementation of multilateral environmental agreements that all the Parties have ratified; and strengthening each Party's environmental management systems, including reinforcing institutional and legal frameworks and the capacity to develop, implement, administer, and enforce environmental laws, regulations, standards, and policies.

At its fourth meeting, the Council will, among other things, (1) Review of issues concerning implementation of Chapter 17; (2) appoint a new General Coordinator for the Secretariat; (3) review and adopt the Secretariat's Working Procedures and Public

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

Outreach Plan; and (4) review the status of cooperative environmental activities the Parties are implementing consistent with the CAFTA-DR ECA.

The public is advised to refer to the State Department Web site at <http://www.state.gov/g/oes/env/> and the USTR Web site at <http://www.ustr.gov> for further information.

Dated: February 27, 2009.

**Daniel T. Fantozzi,**

*Director, Office of Environmental Policy,  
Department of State.*

[FR Doc. E9-4805 Filed 3-5-09; 8:45 am]

BILLING CODE 4710-09-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2008-0144; Notice 2]

#### Decision That Nonconforming 1997 and 1998 Left-Hand Drive and 1997 through 2001 Right-Hand Drive Jeep Cherokee Multipurpose Passenger Vehicles Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of decision by the National Highway Traffic Safety Administration (NHTSA) that nonconforming 1997 and 1998 left-hand drive and 1997 through 2001 right-hand drive Jeep Cherokee multipurpose passenger vehicles are eligible for importation.

**SUMMARY:** This document announces a decision by NHTSA that nonconforming 1997 and 1998 left-hand drive (LHD) and 1997 through 2001 right-hand drive (RHD) Jeep Cherokee multipurpose passenger vehicles (MPVs) that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for sale in the United States and that were certified by their manufacturer as complying with the safety standards (the U.S.-certified version of the 1997 and 1998 LHD and 1997 through 2001 RHD Jeep Cherokee MPVs), and (2) they are capable of being readily altered to conform to the standards.

**DATES:** This decision is effective on Friday, February 27, 2009.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202-366-3151).

**SUPPLEMENTARY INFORMATION:**

### Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Auto Boutique, Ltd., of Costa Mesa, California (ABL) (Registered Importer 08-356), petitioned NHTSA to decide whether nonconforming 1997-2001 RHD Jeep Cherokee MPVs are eligible for importation into the United States. Shortly after ABL's petition was filed, U.S. Drive Right (USDR), of Spring Arbor, Michigan (Registered Importer 08-355) separately petitioned NHTSA to decide whether nonconforming 1997 and 1998 RHD and LHD Jeep Cherokee MPVs are eligible for importation into the United States. NHTSA published a combined notice of the petitions on September 17, 2008 (73 FR 53927) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petitions.

No comments were received in response to the notice of the petitions.

The ABL and USDR petitions differed in scope: USDR included LHD versions of the subject vehicles for model years 1997 and 1998 but did not address LHD

or RHD 1999-2001 vehicles, while ABL only addressed RHD 1999-2001 vehicles.

The following discussion applies equally to both LHD and RHD vehicles. That is because in this unique case, the original manufacturer of the vehicles certified as conforming to all applicable FMVSS both LHD and RHD versions of the substantially similar U.S.-certified models in model years 1997-2001. Moreover, the description of the modifications required to convert these vehicles do not differ with respect to the driver's seating position.

The agency notes that the petitions differed significantly with respect to the need for alterations to conform the vehicles to applicable FMVSS. ABL did not indicate the need for any alterations other than adding labeling to meet the requirements of 49 CFR part 565, while USDR contended that the vehicles must be altered in order to meet Standards No. 101, 108, 120 and 208 and 49 CFR part 565. A complete description of the alterations described by the two petitioners can be found in the notice of petition.

To reconcile these differences, the agency has decided that all vehicles covered by this decision must be examined for compliance with Standards No. 101, 108, 120 and 208 as well as 49 CFR Part 565 and that RIs must demonstrate, in the conformity statements submitted for any vehicle imported under this eligibility decision, that each vehicle either conformed to the standard as originally manufactured or has been altered to conform by the RI.

### Final Decision

Accordingly, on the basis of the foregoing, NHTSA has decided that nonconforming 1997 and 1998 LHD and 1997 through 2001 RHD Jeep Cherokee MPVs that were not originally manufactured to comply with all applicable FMVSS are substantially similar to nonconforming 1997 and 1998 LHD and 1997 through 2001 RHD Jeep Cherokee MPVs originally manufactured for sale in the United States and certified under 49 U.S.C. 30115, and are capable of being readily altered to conform to all applicable FMVSS.

### Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP-516 is the vehicle eligibility number assigned to 1997 and 1998 LHD Jeep Cherokee